



Consultation by Appointment Only



FILED
 COURT OF CRIMINAL APPEALS
 10/27/2020
 DEANA WILLIAMSON, CLERK

October 23, 2020

Hon. Deanna Williamson, Clerk
 Court of Criminal Appeals of Texas
 Post Office Box 12308
 Austin, Texas 78711-2308

Subject: [Ratliff v. State](#); No. PD-0545-20

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 DEANA WILLIAMSON, CLERK

Dear Ms. Williamson:

Appellant's petition for discretionary review ("PDR") was filed on August 31, 2020. The State of Texas has not filed anything in response, but the undersigned has most recently been informed of a development which is relevant to this case and which militates in favor of the Court granting review.

Additional Reasons for Granting Appellant's Petition for Discretionary Review

Please advise the members of the Court that, on Monday, October 19, 2020, the Supreme Court granted certiorari in [Lange v. California](#) (Supreme Court case No. [20-18](#)). The issue on which the grant was made is:

Whether the pursuit of a person whom a police officer has probable cause to believe has committed a misdemeanor categorically qualifies as an exigent circumstance sufficient to allow the officer to enter a home without a warrant.

The facts in [Lange](#) involve an officer with probable cause to believe a defendant had committed misdemeanors. The officer entered the defendant's garage without a warrant and, after entry, ascertained that the defendant was intoxicated. The officer then arrested Lange for driving under the influence. In this case, although Appellant has suggested that there were several possible felonies involved, the complainant was arrested for a misdemeanor after Appellant, who had received information that the complainant fled from officers, entered the complainant's trailer without a warrant. The similarity of the facts of the two cases is obvious, and the legal questions involved are at least very similar, if not the same. The undersigned respectfully suggests, in light of the grant of certiorari in [Lange](#), that the instant petition should be summarily granted, with resolution held until the Supreme Court's disposition of [Lange](#) is known.

Motion for Leave to File

Appellant respectfully requests the Court to grant leave to file this supplemental list of reasons for granting discretionary review. The undersigned would show that the State will not be prejudiced by the additional information, as there is no change in the theory under which Appellant seeks discretionary review.

Certificate of Compliance and Delivery

This is to certify that: (1) this document, created using WordPerfect™ software, contains 370 words, excluding those items permitted by Rule 9.4 (i)(2)(B), Tex.R.App.Pro., and complies with Rules 9.4 (i)(2)(B) and 9.4 (i)(3), Tex.R.App.Pro.; and (2) on October 23, 2020, a true and correct copy of the above and foregoing supplemental list reasons for granting rehearing was transmitted via the eService function on the State's eFiling portal, to to Blake Ewing (bewing@burnetcountytexas.org), counsel of record for the State of Texas, and Stacey M. Soule (Stacey.Soule@SPA.texas.gov), the State's Prosecuting Attorney.

Respectfully submitted:



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Associated Case Party: The State of Texas

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Blake Ewing		bewing@burnetcountytexas.org	10/23/2020 11:08:27 AM	SENT

Associated Case Party: Kevin Ratliff

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